



Express Mail No: EV 673965679 US

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Application Number: 10/522,320  
Filed: January 24, 2005  
Applicants: John L. Schenk and Allison C. Lindsey  
Title: Sperm Cell Process System  
TC/A.U: 1651  
Examiner: Leon B. Lankford  
Attorney Docket: XY-Optimum-NP-US  
Customer No. 33549

**CERTIFICATE OF EXPRESS MAILING**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Information Disclosure Statement pursuant to 37 CFR §1.97(b)(3) along with a copy of each item listed under "Other References;" Letter of Transmittal; and return post card with the United States Postal Service as Express Mail, postage prepaid, for mailing to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Dated this 11 day of August, 2006.

Cheryl A. Swanson  
Cheryl A. Swanson

08-1406

DFW



Express Mail No: EV 673965679 US

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Application Number: 10/522,320  
Filed: January 24, 2005  
Applicants: John L. Schenk and Allison C. Lindsey  
Title: Sperm Cell Process System  
TC/A.U: 1651  
Examiner: Leon B. Lankford  
Attorney Docket: XY-Optimum-NP-US  
Customer No.: 33549

**LETTER OF TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed with this correspondence are the following documents:

1. Information Disclosure Statement pursuant to 37 CFR §1.97(b)(3) along with a copy of each item listed under "Other References,"
2. This Letter of Transmittal; and
3. A Certificate of Express Mailing for each document and a return receipt post card.

I have this 11 day of August, 2006, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Please confirm receipt of the documents by applying your date stamp on the enclosed postcard and returning it to me.

Dated this 11 day of August, 2006.

Respectfully Submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue  
Nicole A. Ressue  
Attorney for Assignee  
PTO No. 48,665  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
(970) 224-3100



Express Mail No. EV 673965679 US

UNITED STATES PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	APPLICATION NO:	10/522,320
	FILING DATE:	January 24, 2005
	FIRST NAMED	John L. Schenk
	ART UNIT:	1651
	EXAMINER NAME:	Leon B. Lankford
	DOCKET NO:	XY-Optimum-USNP

#### I. US PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO. & KIND CODE (if known)	PATENTEE OR APPLICANT	PUBLICATION/ISSUE DATE mm/dd/yyyy	Pages, Columns, Lines Where Relevant Passages Or Relevant Drawings Appear
	4,007,087	Ericsson	2/8/1977	

#### II. FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	Foreign Patent Document Country Code, Number, Kind Code (if known)	PATENTEE OR APPLICANT NAME	PUB'N DATE mm-dd-yyyy	TRANSLATION Yes	TRANSLATION No

### III. OTHER REFERENCES

EXAMINER INITIAL	Document
	European Regional Application Number EP 03765919; Supplementary EP Search Report dated 06/14/2006
	New Zealand Patent Application Number NZ 538265; Examination Report dated 04/13/2006
	Seidel, G.E. Jr., et al., Methods of Ovum Recovery and Factors Affecting Fertilization of Superovulated Bovine Ova, Control of Reproduction in the Cow, Sneenan ed., 1978, pp 268-280
	Hawk, H. W. et al., Effect of Unilateral Cornual Insemination upon Fertilization Rate in Superovulating and Single-Ovulating Cattle, Journal of Animal Sciences, 1986 vol. 63, pp 551-560
	Andersson, M. et al., Pregnancy Rates in Lactating Holstein-Greisian Cows after Artificial Insemination with Sexed Sperm. Reprod. Dom. Anim 41, 95-97, 2006
	Morton, K. M., et al., In vitro and in vivo survival of bisected sheep embryos derived from frozen-thawed unsorted, and frozen-thawed sex-sorted and refrozen-thawed ram spermatozoa; Theriogenology, 65 (2006) 1333-1345
	Wilson, R. D., et al., In vitro production of bovine embryos using sex-sorted sperm, Theriogenology, 65 (2006) 1007-1015
	Johnson, L.A., et al, 1996 Gender preselection in mammals. XX Beltsville Symposium in Agricultural Research Technolgy's Role in the Genetic Improvement of Farm Animals. pp. 151-164, Amer. Soc. Anim. Sci. IL, USA.
	Smorag, Z., et al., Cattle Sex Regulation by Separation of X and Y Spermatozoa – Preliminary Results of Field Experiment in Poland, Reproduction, Fertility and Development 17(2) 306–306; 01/01/2005
	Crichton, E., et al. (Abstract) Artificial Insemination of Lactating Holstein Cows with Sexed Sperm, Reproduction, Fertility and Development 18(2) 281 - 281, 12/14/2005
	Lindsey, A.C., et al. Hysteroscopic insemination of low numbers of flow sorted fresh and frozen/thawed stallion spermatozoa, Equine Vet J. 2002 Mar;34(2):106-7.
	Drobnis, E. Z, Cold shock damage is due to lipid phase transitions in cell membranes : a demonstration using sperm as a model, Journal of experimental zoology (J. exp. zool.) 1993, vol. 265, no4, pp. 432-437 (22 ref.)
	Hagele, W.C., et al., Effect of Separating Bull Semen into X and Y Chromosome-bearing Fractions on the Sex Ratio of Resulting Embryos; Cran J. Comp. Med, 1984: 48:294-298
	US Patent Application Number 11/422,735 filed 05/25/2006 entitled Apparatus, Methods and Processes for Sorting Particles and for Providing Sex-Sorted Animal Sperm
	Suh, T.K, et al., Pressure during flow sorting of bull sperm affects post-thaw motility characteristics; Theriogenology Vol. 59, No. 1, January 2003 p 516
EXAMINER:	DATE CONSIDERED
EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	